

REMARKS

By way of this Amendment with the concurrent RCE, applicant has cancelled all of claims 1 through 52, and entered new claims 53 through 62. Independent claim 53 is drawn to a method for conducting a wagering game with an enhanced prize structure, with claims 54 through 57 depending therefrom. Claim 58 is an independent claim drawn to a system for conducting a wagering game, with claims 59 through 62 depending therefrom. Applicant has filed the new claim set to further patentably define and distinctly claim distinguishing aspects of the invention, and respectfully submits that the new claim set should expedite further prosecution of the application.

The following remarks are addressed to the rejection of the previous claims based primarily on the conventional Powerball game, as set forth in the Final Office Action, and particularly with respect to the Examiner's helpful remarks in section 8 of the Final Office Action in response to the applicant's previous amendment.

The method of independent claim 53 calls for defining a set of game indicia. A total "spot entry" is then defined for the particular wagering game. This total spot entry corresponds to a defined number of the game indicia that is less than the total number of indicia in the set of game indicia. For example, the total spot entry for the game may be 10, 11, 12, and so forth, whereas the number of game indicia in the set of game indicia may be, for example, 80. Claim 53 further calls for receiving from a player a spot entry that corresponds to a number "N" of the game indicia, with "N" being in the range of from 1 to one less than the total spot entry. For example, the total spot entry may be 11, and the player spot entry is designated by the player as 5. Thus, "N" is equal to 5. Each of the game indicia in the player spot entry is unique and is not duplicated.

Claim 53 calls for a supplemental spot entry to be randomly generated for the player from the same set of game indicia. The supplemental spot entry has a number of the game indicia that corresponds to the total spot entry minus "N", with each of the game indicia in the supplemental spot entry being unique and not duplicated in either the supplemental spot entry or the player spot entry. In other words, the game indicia in the supplement spot entry is randomly generated from the set of game indicia that excludes the game indicia in the player spot entry.

Claim 53 further calls for randomly drawing a subset of indicia from the set of game indicia, with the number of indicia in this randomly drawn subset being at least equal to the total spot entry for the game. Each indicia in the drawn subset is unique and is not duplicated. For example, in a game wherein the total spot entry is 11, at least 11 indicia from the set of game indicia is randomly drawn. The randomly drawn subset of indicia may exceed the number "N", and may be, for example 20, and so forth.

Claim 53 further calls for comparing the game indicia of the drawn subset to the game indicia of the player spot entry to determine if a first prize award is due based on the level of correspondence between the game indicia of the player spot entry and the game indicia of the drawn subset. A combined spot entry is then defined that corresponds to a combination of the indicia in the player spot entry and the game indicia in the supplemental spot entry. Thus, the number of game indicia in the combined spot entry corresponds to "N". The game indicia in the combined spot entry is then compared to the game indicia of the drawn subset to determine if a second prize award is due based on the level of correspondence between the game indicia of the combined spot entry and the game indicia of the drawn set.

Applicant respectfully submits that the enhanced game set forth in independent claim 53 is fundamentally different from a conventional Powerball game alone or modified by any other reference of record, and is allowable.

Applicant acknowledges that a conventional Powerball game provides a number of different ways in which to "win" at the game, as recognized and explained by the Examiner in paragraph 1 of the Final Office Action. However, these multiple ways of winning, or combination of winning indicia, do not satisfy the limitations set forth in independent claim 53. The Powerball game requires a player to select 5 out of 53 numbers. Thus, the set of game indicia (as the Powerball game relates to independent claim 53) equates to the numbers 1 through 53. The "player spot entry" for the Powerball game (corresponding to N) is thus 5. However, this player spot entry is not a function of a total spot entry designated for the game, wherein the total spot entry corresponds to a defined number of the game indicia that is less than 53, and wherein the player's selection is limited to a range of from 1 to less than the total spot entry. In other words, in the Powerball game, the player is required to identify 5 numbers from the set of numbers 1 through 53. The player does not have the option to play the game based on only 1, 2, 3, or 4 numbers. Next, in the Powerball game, the player selects a "red ball number" from the range of numbers 1 through 42. This number is not selected from the same set of game indicia as the player's first selections (i.e. the set of numbers 1 through 42 is different than the set of numbers 1 through 53). In addition, the red ball number selected by the player may be the same as one of the player's other five selections. Thus, the red ball number is not unique and may be duplicated in the player's other selections.

There is no reasonable interpretation of the Powerball game that can satisfy the limitation of independent claim 33 calling for random generation of a supplemental spot entry for the player from the same set of game indicia, wherein the supplemental spot entry has a number of game indicia corresponding to the total spot entry minus the number "N" of game indicia in the player spot entry. The red Powerball number is simply selected by the player from the range of numbers 1 through 42, or randomly generated for the player. There is only one red Powerball number generated, and there is no possibility of generating multiple red Powerball numbers as a function of the player selecting less than five numbers in their initial selection. As discussed, the player selects the red Powerball number from a different set of game indicia, and the red Powerball number may be any one of the numbers in the player's selection of five numbers from the first set of game indicia. In other words, the player may select the number "15" in their initial five selections, and may also select the number "15" for the Powerball number. Independent claim 53 prohibits this possibility. With the present claims, the randomly generated supplemental spot entry is generated from the same set of game indicia as the player spot entry, and cannot be any of the indicia in the player spot entry. As discussed, the number of indicia in the supplemental spot entry is determined as a function of subtracting the number of indicia in the player spot entry from the defined total spot entry for the game. These relationships and limitations are completely missing from the Powerball game configuration.

As described in the present specification, the unique game methodology and system offers unique advantages to the player and the lottery administrator. For example, as explained in paragraph 0039 of the present published application, the most popular Keno games are the 2, 3, 4, and 5 player spot games. Players tend to select

these lower spot games because of the increased odds of winning. It is important to note that this option is not available in the Powerball game. However, for the more popular lower spot Keno games, the frequency of winning prohibits the lottery administration from offering larger cash prizes. Consequently, the lottery sponsor may be prevented from attempting to increase sales of the lower spot games by significantly increasing the prizes for such games. With the present game methodology and system, however, the lottery sponsor can offer an attractive increased prize in the form of a "progressive jackpot" wherein an entry into this drawing corresponds to the combined spot game, as set forth in independent claim 53. The combined spot entry will always be greater than the highest player-selected spot entry for the game. For example, the game may have a designated total spot entry of 11. For this game, the player may choose up to a 10 spot entry for the base game. The randomly generated supplemental spot entry will be one number, such that the combined spot entry for the player will be an 11 spot entry.

Thus, it should be readily appreciated, that the player has the option of selecting a desired spot entry for the base game, and thus selecting the odds of winning in such game, but all of the players will have the same combined spot entry for the "jackpot" phase of the game. The lottery sponsor can offer a larger prize award for the combined spot entry game, which will further attract additional players. This unique combination of elements and advantages is not remotely related to the conventional Powerball game.

Applicant respectfully submits that there is no other reference of record that would suggest, teach, or otherwise motivate or provide any logical reason for one skilled in the art to modify the conventional Powerball game in accordance with the method of

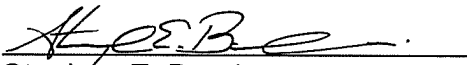
independent claim 53. Accordingly, applicant respectfully submits that independent claim 53 patentably distinguishes over the Powerball game alone or in combination with any other reference of record. Claims 54 through 57 only further patentably define the method of claim 53, and are thus also allowable.

Independent claim 58 is drawn to a unique system for conducting a wagering game as described above with respect to independent claim 53. The relevant distinguishing limitations of the gaming method are incorporated into the gaming system of claim 58, and applicant respectfully submits that claim 58 is allowable for at least the reasons set forth above with respect to claim 53.

With the present Amendment, applicant respectfully submits that all pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

DORITY & MANNING, P.A.

By: 
Stephen E. Bondura
Registration No.: 35,070

P.O. Box 1449
Greenville, SC 29602-1449
(864) 271-1592
fax (864) 233-7342